

TWENTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, February 5, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Claiborne,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Tyler,

The Secretary of the Senate, C. M. Boynton, was excused for to-day, on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 222, entitled "An act to amend article 1659, chapter 1, title 34, of the Revised Civil Statutes of the State, and to add article 1659a, chapter 1, title 34, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[This bill provides that general elections shall, hereafter be held on the first Monday in August, and that the next general election for Members of Congress shall be held on the first Tuesday after the first Monday in November, 1890, and biennially thereafter.]

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

By Senator Burney:

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 131, entitled "An act to authorize the State Superintendent of Public Instruction to issue certificates of qualification and teachers' di-

plomas to teachers in the public free schools, and to make valid diplomas from the Peabody Normal College, Nashville, Tennessee,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the accompanying committee amendment.

[This bill seeks to provide a mode by which teachers in the public free schools of this State may obtain certificates and diplomas, good for five years and for life, respectively, in any of the public free schools of this State.]

All of which is respectfully submitted.

BURNEY,
Chairman.

Bill read first time, with the following

COMMITTEE AMENDMENT TO SENATE BILL NO. 131.

Add section 14:

"This act is not intended to repeal or alter the laws now in force, providing for the issuance of school teachers certificates; but shall be construed as an independent act providing a separate method for obtaining such certificates or diplomas."

BILLS AND RESOLUTIONS.

By Senator Stephens:

A bill to be entitled "An act to amend article 677 of the Code of Criminal Procedure of the State of Texas, requiring the court to submit his charge to the jury before the argument of counsel on the case."

[In addition to what is expressed in the caption the bill provides that the attorneys in such case may examine said charge before it is submitted, and that the court may hear arguments on any charges requested to be made.]

Referred to Judiciary Committee No. 2.

By Senator Seale:

A bill to be entitled "An act to amend article 500, chapter 3, title XV, of the Penal Code of the State of Texas."

[Article 500 as sought to be amended reads: "If any person shall assault another with intent to murder he shall be punished by confinement in the penitentiary not less than two nor more than twenty-five years; if the assault be made with a bowie knife or dagger, or in disguise, the punishment shall be double."]

Referred to Judiciary Committee No. 2.

By Senator Upshaw:

A bill to be entitled "An act to amend article 179, chapter 4, of the Penal Code, concerning miscellaneous offences affecting the right of suffrage."

[The bill seeks to amend by permitting establishments where liquor is sold to remain open on election days when only city or town officers are elected in cities and towns containing not more than ten thousand inhabitants.]

Referred to Judiciary Committee No. 2.

By Senator Field:

Resolution of the Brazos County Alliance, requesting the Twenty-first Legislature to enact a railroad commission law.

Referred to Committee on Internal Improvements.

"An act to be entitled an act to provide for the location and survey of genuine land claims within the county of Greer, and to confirm all locations and surveys of genuine land claims heretofore made in said county, and to provide for the issuance of patents upon all surveys made in accordance therewith."

Referred to Committee on Public Lands.

By Senator Glasscock:

A bill to be entitled "An act to amend chapter 10, title 84, of the Revised Civil Statutes by adding thereto article 4227a."

[This bill provides that all railroad companies shall run and operate passenger trains so as to connect with each and every passenger train on their main line at such point of connection, and that on branch lines the trains shall depart within thirty minutes after the schedule time for the arrival of such of their trains on the main line with which such trains on said branch lines should connect, provided that when the connecting train on the main line is delayed not exceeding one hour, then train on branch line may not depart until within fifteen minutes after departure of train on main line, and for violation of the provisions of this act suitable punishment shall be assessed.]

Referred to Committee on Internal Improvements.

A bill to be entitled "An act to perpetuate testimony in criminal prosecutions in the same manner as in civil actions."

Referred to Judiciary Committee No. 2.

By Senator Burges, by request:

A bill to be entitled "An act to amend article 2946 of the Revised Civil Statutes."

[This provides that the Commissioner of Insurance, Statistics and History shall issue certificates of authority to local or special agents of insurance companies on request being made by any general agent who may have filed with the commissioner a power of attorney from the company authorizing him to appoint such local or special agent.]

Referred to Committee on Agriculture, Insurance, Statistics and History.

The President gave notice of signing, and did sign in open Senate,

Senate bill No. 107, entitled "An act to be entitled an act to amend section 37 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Forty-fifth judicial district of the State of Texas, fix the time for holding court therein, and to fix the time for holding court in the Thirty-seventh judicial district, and to provide for the appointment of a district judge for said Forty-fifth judicial district, and to provide for the venue of causes in said courts, and to regulate the transfer thereof from one of said courts to the other."

The Senate was notified by the Governor of the appointment of the following notaries public:

BOSQUE COUNTY.

Clifton—G. J. Gibbs.

Iredell—B. M. Clark, J. E. Ware, Ewing H. Harris, J. A. Hamilton, J. C. Burney, John M. Pitts.

Meridian—James M. Robinson, J. A. Gillett, N. R. Morgan, E. B. Anderson, T. P. Thomas, T. C. Alexander, Jno. D. Scott, W. H. Lockett, S. R. Carneth, R. G. Childress.

Morgan—J. W. Gilpin, B. F. Harris, Robert Donnell, N. B. Riggins, M. B. Winston.

Kopperl—M. S. Green.

Greenock—John Green.

Cayote—Parker Kellum, R. E. Conine, W. B. Warrington.

Eulogy—Charles Hefflin, C. W. Smith.

Norse—Y. Grimland sr., Peter Peirson.

Cranfels Gap—G. M. Coston.
 Fowler—A. W. McMahan.
 Walnut Springs—J. P. Grace.
 Childress Creek—R. H. Turner.
 Valley Mills—J. B. Dagly, P. Nowlin.

ERATH COUNTY.

Stephenville—C. J. Shapard, Thomas B. King, M. L. Jackson, J. D. Berry, D. L. Orr, John S. Hyatt.
 Duffau—A. B. McClure.
 Selden—J. C. Hatchett.
 Alexander—J. D. St. Clair.
 Dublin—L. E. Gillette, J. T. Harris, W. T. Daniel.
 Johnson Mines—F. R. Young.
 Berlin—J. O. A. Clark.
 Lingleville—R. P. Campbell.

HOOD COUNTY.

Thorp Springs—J. A. Clark.
 Granbury—B. M. Estes, T. T. Ewell, R. C. Millikin, W. A. Duke, N. L. Cooper, Robert D. Wear, J. E. Crites, A. L. Williams.
 Lipan—George A. Morris, J. F. Lee.
 Paluxy—John R. Jones.
 Spunky—T. B. Walsh.
 Acton—B. T. Tipton.
 Cresson—W. M. Crook.

PALO PINTO COUNTY.

Palo Pinto—J. L. Cunningham, Ed. C. Baker, J. C. Son, J. S. Straughan, D. W. Massie, L. A. Sullivan, J. H. Baker.
 Mineral Wells—J. C. Haynes, J. E. Lorty.
 Gordon—J. T. Daniel.
 Strawn—Francis Granger.
 Santo—Z. Butler.
 Angora—F. W. Ingalls.

SOMERVELL COUNTY.

Glen Rose—S. H. Brown.

BANDERA COUNTY.

Bendera—John Guthrie.

BELL COUNTY.

Belton—Frank Andrews, John L. Lee, James Boyd, D. L. Russell, John B. Durrett, Brown F. Lee, J. M. Wright, S. H. Hunter, L. K. Tarver, Ed. T. Rucker.
 Temple—Augustus Leevy, C. A. Brand, W. S. Banks, Otto K. Burwitz, J. E. Moore, John H. Linebough, H. E. Bradford, sr., R. H. Foord, J. D. Parott.
 Troy—Shelby N. Strange, J. W. Ammerman.

Holland—T. L. Sanders.
 Salado—W. J. Caskey.
 Prairie Dell—T. D. Fulbright.
 Pendleton—Sam J. Brown.
 Killeen—W. E. Hudson.
 Moffatt—M. J. Kuykendall.

CORYELL COUNTY.

Gatesville—R. B. Wells, J. W. Burkhead, E. Adams, J. W. Saunders, J. C. Gouldy, A. R. Williams, J. E. Walker.
 Hurst—P. R. Hobin.
 Bee House—J. L. Price.
 Wayback—J. W. Ward.
 Turnersville—R. L. Suggs.
 King—E. E. Clark.
 Coperas Cove—C. G. Bennett.
 Pidcoke Ranch—B. H. Baird.

HAMILTON COUNTY.

Hamilton—J. T. James, E. A. Perry, Fleming Crews.

LAMPASAS COUNTY.

Lampasas—F. W. Dumble, E. J. Marshall, E. Brown.
 Kempner—J. H. Chrisman.

MILLS COUNTY.

Goldthwaite—George Whitaker, H. S. Thomas.

DALLAS COUNTY.

Dallas—S. F. Norris.

EL PASO COUNTY.

El Paso—Helen Baylor Gillette.

HARRIS COUNTY.

Houston—Chas. Culmore.

HARRIS COUNTY.

Houston—W. E. Hertford.

JACK COUNTY.

Vineyard—J. W. Childers.
 Jacksboro—Thomas D. Sporer, S. W. Eastin, Sil Stark, Jap M. Stark, J. S. Bradley, F. D. Jones, W. H. Martin, J. M. Hughes.
 Antelope—Z. G. Mullens.
 Bryson—J. W. Birdwell.
 Marmaduke—D. A. Wilson.

ANGELINA COUNTY.

Lufkin—J. F. Davis.

NACOGDOCHES COUNTY.

Melrose—Joseph Blakey.
Nacogdoches—F. P. Brewer.
Swift—J. A. Pirtle.

BROWN COUNTY.

Brownwood—H. H. Moore, O. R. Sholars, W. C. Morgan, W. A. Farmer, W. H. Scott.

RUNNELS COUNTY.

Ballinger—A. S. Reed, Thomas S. Miller, H. D. Pearce, Chas. H. Millingham, C. C. F. Blanchard, Charles S. Miller.

CONCHO COUNTY.

Paint Rock—J. W. Ratchford, Gerard Houston.

COMANCHE COUNTY.

Comanche—J. D. Sherrill, J. M. Lambert, A. C. Hilton, W. J. St Clair. Life Springs—T. F. Haley.

SAN SABA COUNTY.

San Saba—John T. Walters.

EASTLAND COUNTY.

Rising Star—W. P. Bucy.
Eastland—G. W. Dakan.

SHACKELFORD COUNTY.

Albany—J. R. McConnell.

FISHER COUNTY.

Robey—W. W. Beall, S. H. Lyon.

M'CULLOCH COUNTY.

Brady—John H. Moses, Walter Anderson.

TAYLOR COUNTY.

Mirkle—B. A. Cox.
Abilene—J. E. Cockrell, George Clayton.

JONES COUNTY.

Anson—C. D. Davis.

CALLAHAN COUNTY.

Baird—F. S. Bell, J. M. Coffman, Alden A. Bell, A. G. Webb.

MITCHELL COUNTY.

Colorado—R. L. Brown.

MILAM COUNTY.

Ad Hall—J. P. Woolley.
Cameron—T. S. Henderson, W. D. Padon, W. M. McGregor, James Peeler.

Lilac—G. S. Graves.
San Gabriel—H. N. Roberts.
Rockdale—B. T. Middleton, C. H. Coffield.

Yarrelton—J. A. B. Wilkerson, B. Barrett.

SMITH COUNTY.

Troupe—John M. Bucker.
Tyler—J. M. Edwards, J. E. Dobbs, H. P. Smith, Jeff D. Bums, S. W. Turner, John H. Bonner.
Bullard—T. W. Carlton.
Lindale—T. W. Jarvis.

PARKER COUNTY.

Weatherford—M. V. Kinnison, T. A. Wythe, J. A. Ochiltree, W. R. Hawkins, W. S. Fant, J. B. Price.
Springtown—C. C. Culton, E. J. Wright.

Whitt—C. A. Norman.
Poolville—E. D. Toal.

TARRANT COUNTY.

Johnson Station—George W. Jopling.

Fort Worth—J. L. Hill, C. A. Galbraith, W. G. Veal, Porter Ball, George Holland, H. C. Jewel, O. M. Kerr, C. M. Crane, B. J. Houston, Robert G. Johnson, M. M. M. Connell, D. S. Brown, E. O. Darley, James W. Swayne, E. G. Senter, Zane Cetta, D. T. Mobmar, P. D. Wyatt, C. C. Cummings.

Bedford—H. E. Valentine.
Kellar—T. M. Pruitt, T. A. Neace.
Dido—C. T. Duke.
Arlington—E. E. Rankin, Willie Timmerman.

Mansfield—A. S. Hayter.
Ederville—J. T. Shives.
Grapevine—J. Tracy Morehead.

TRAVIS COUNTY.

Austin—John W. Phillips, Alexander Kennedy.

WALKER COUNTY.

Huntsville—E. L. Angier, D. S. Hume.

MONTGOMERY COUNTY.

Willis—S. D. Wooldridge.

WISE COUNTY.

Decatur—J. T. Johnson, H. D. Donald, J. W. Chenowith, C. D. Cates.
 Rhome—L. L. Ward.
 Draco—A. L. Boyd.
 Willow Point—W. H. Holmes.
 Sunset—J. W. Mitchum, C. W. Martin.

YOUNG COUNTY.

Graham—A. B. Gante, E. S. Graham, Robert Hollensworth, G. H. Crosler, W. C. Blakley, J. W. Casey, W. B. Pope, E. Whiteley, A. N. Edwards, S. A. McMannis, G. L. Ainsworth, H. C. Shonafelt, W. C. Airheart.

GONZALES COUNTY.

Gonzales—W. J. Bright, T. B. Little, G. W. Betts, W. S. Fly, T. M. Horwood, C. A. Burchard.
 Waelder—J. B. Hill.
 Winton—J. H. Cole.
 Wrightsboro—J. A. King, James Smith, Esq.
 Smiley—Wm. Abernathy.
 Belmont—B. H. Passmore.
 Leesville—Ed Wyatt.
 Cheapside—L. A. Preston.

POLK COUNTY.

Livingston—R. C. Correy, T. L. Freeman, J. C. Feagan, O. E. Oats.
 Moscow—S. B. Tackerberry.
 Corrigan—B. E. Moore.

SAN JACINTO COUNTY.

Evergreen—F. J. Cooper.
 Waiverly—S. F. Fain.
 Point Blank—O. M. Wheeler, jr.
 Cold Springs—Peter Matson, P. H. Robinson.

GREER COUNTY.

L. P. Bonner.

DONLEY COUNTY.

Clarendon—James H. Parks, J. B. McClelland, O. C. Fisher, H. M. Berry, J. G. Murdock, W. R. Butler.

ARMSTRONG COUNTY.

(Attached to Donley.)
 J. G. Murdock.

CHILDERS COUNTY.

Childers City—L. P. Bonner, E. T. O'Neil, O. J. Fires, S. P. Britt.

HALE COUNTY.

Plainview—C. W. Marsalls, L. G. Wilson.

HARDEMAN COUNTY.

Margaret—John Wesley, D. G. Smith, M. M. Hawkins, L. P. Ferguson, L. M. Logan, T. A. Whetstone, J. M. Standler.

Chillicothe—C. E. Jones.

Quanah—C. E. Jones, Wm. J. Jones, C. Wheeler, S. P. Britt, S. W. Tenley, Forest T. Morgan, M. M. Hawkins, J. C. Roberts.

WILBARGER COUNTY.

Vernon—R. P. Elliott, B. W. Edgell, C. Wheeler, J. P. Orr, M. N. Sevier, C. C. Wells, R. W. Starr, T. A. Whitstone, W. L. R. Dickson, R. W. Starr, F. C. Beckett, D. D. McConnell, Frank D. McGhee, H. C. Thompson, R. F. Elliott, J. W. Smith, Ben H. Kelley.
 Doan's Store—C. F. Doan.
 Harold—F. M. English.

WICHITA COUNTY.

Wichita Falls—E. W. Hoge, Otis S. Bacon, Lewis C. Grant, J. J. Van Dyke, R. E. Huff, J. P. Boyd, N. Henderson, E. W. Foster, M. M. Templeton, T. C. Thomason, M. F. Yeager, E. R. Kolp, A. H. Cassigan, Ashley S. James, J. H. Barwise, S. P. Huff, W. E. Brothers, S. Armstrong.
 Clara—S. A. Elam.

CLAY COUNTY.

Henrietta—John F. Conn, George A. Watts, C. B. Patterson, J. A. Templeton, D. T. Bomar, W. G. Eustis, W. B. Stickney, W. A. Squins, John M. McClure, John T. Craig, W. M. Middington, W. D. Stayton, E. B. Munday, M. E. Ivir, A. K. Swan, L. C. Barrett, E. L. Barrett, J. G. Chestnut, R. D. Melbourne, S. P. Harlan, B. L. Frost, J. E. Bomar, A. D. Goodenough.

James A. Kelley, C. W. Collum, E. B. Munday, V. Stine, B. T. Rickets, Thos. Lacy, W. Y. McCume.
 Newford—E. G. Bransford.

THROCKMORTON COUNTY.

Throckmorton—W. T. Anderson, A. H. Carrigan.

YOUNG COUNTY.

Graham—G. H. Crozier, Robert Hollingsworth, R. C. McPhail, W. L. Craves, W. B. Pope, Horatio Bulkely, A. B. Grant, Robert Holman, E. S. Graham.

HEMPHILL COUNTY.

Hemphill—F. S. Lord, B. M. Baker.

HASKELL COUNTY.

Haskell—S. H. Johnson, W. E. Johnson, H. G. McConnell, Arthur C. Foster, F. P. Morgan, W. C. Ballard, H. R. Jones, R. C. Lomax, Oscar Martin, J. L. Jones.

OLDHAM COUNTY.

Tascosa—D. B. Braid, Jas. H. East, Isaac P. Ryland, H. H. Wallace.

HALL COUNTY.

Salsbury—N. C. Blanchard.

ARCHER COUNTY.

Archer City—F. E. Dycus, Samuel Ambercrombie, S. W. Hart, Lillian Hart, W. W. Duree, A. L. Duree.

BAYLOR COUNTY.

Seymour—Joe Woodyear, J. R. McLain, M. H. Stark, L. I. Newton, D. F. Goss, Mort. H. Stark, D. F. Goss, P. C. Sams, W. A. Cones.

KNOX COUNTY.

Benjamin—J. M. Morgan, John J. Brents, Jeff Rowder, G. B. Stewart, R. D. Gans.

LIPSCOMB COUNTY.

Lipscomb—E. C. Gray.

DICKENS COUNTY.

Dockmers' Ranch—R. C. Ware.

FLOYD COUNTY.

Della Plains—R. T. Miller.

CROSBY COUNTY.

Estacado—E. B. Covington, George M. Hunt, R. P. Smith, J. M. Campbell.

WHEELER COUNTY.

Mobeetie—A. J. Jasper, M. M. French, W. H. Grigsby, John O. B. Street, Mark Huselby, P. Y. Omohundro, J. M. Shaw.

SWISHER COUNTY.

Toolie—J. H. Parish.

LIMESTONE COUNTY.

Groesbeck—W. T. Jackson, J. B. Kimball.

Headsville—W. D. Donaldson.

Kosse—A. J. Burleson.

Armour—C. A. Ogilvie.

Mexia—W. H. Adams, J. G. Kirksey, J. H. Park, C. T. Harris, A. M. Kennedy, J. O. Harper, S. G. McLendon.

Trosa—J. B. Riley.

Prairie Grove—J. A. Wright.

W. C. Day, H. L. Hall, J. W. Blake, N. L. Waller, C. S. Hardy.

NAVARRO COUNTY.

Corsicana—R. S. Neblett, H. L. Stone, W. J. McKee, R. B. Molloy, Richard Mays, H. L. Moseley, J. S. Callicutt, A. B. Lee, S. H. Kerr, L. L. Jester, C. S. West, W. J. Gibbs, R. E. Prince, R. A. Greer, Walter C. Caldwell, R. W. Walton, M. A. Goldsmith, F. M. Ethridge, Miss Allie Johnson, D. N. Rice, J. M. Douglass.

Pursley—W. H. Pursley.

Purdon—A. S. Gill.

Rural Shade—R. C. Caloway, J. H. Ramsay.

Rice—L. B. Haynie.

Richland—J. B. Cooper.

Bozette—Wm. Ellison.

Barry—A. H. Blair.

Cade—W. F. Hood.

Blooming Grove—Geo. Pruitt.

Spring Hill—J. C. Mathews.

Dawson—Geo. Younger.

Frost—J. H. Galbreath.

Dawson—C. B. Etter, J. W. Brashers.

Kerens—J. T. Webster, C. K. Melear.

NAVARRO COUNTY.

Corsicana—C. S. West, L. L. Jester, F. M. Etheridge, Fred Fleming, F. G. Chambliss, Richard Mays, H. L. Stone, James H. Woods, Sam M. Kerr, D. N. Rice, R. E. Prince, J. M. Blanding, D. L. Blackman, J. M. Church, J. S. Callicutt, John J. McClellan, James L. Autry, R. A. Greer, E. O. Call.

Kerens—B. E. Melear, John R. Inman.

Purdon—J. M. Trammell.

Rice—J. D. Langham.

Blooming Grove—R. M. S. Grady, J. M. Poer.

Bazett—Alfred McWilliams.

Dawson—George W. Younger, J. A. Davis.

Richland—J. B. Cooper.

Chatfield—R. M. M. McMullen.

Dresden—D. B. Hartzell, W. A. Chestnut.

Frost—R. J. Saunders.

Cryer Creek—J. M. Wilson.

Navarro Mills—J. R. Ponder.

On motion of Senator Frank, by unanimous consent of the Senate,

The special order was suspended, and

House bill No. 162, "An act to be entitled an act to amend an act to designate what counties shall compose the Twenty-ninth judicial district of the State of Texas, and to fix the times of holding courts therein, approved March 30, 1887," was laid before the Senate, and

Read the second time with Committee amendments as follows:

Amend by striking out lines 15, 16 and 17 on page 1, and insert in lieu thereof the following: "In the county of Palo Pinto on the last Mondays in February and August, and may continue in session three weeks.

Amend line 21, page 1, by striking out the word "sixth" and insert in lieu thereof the word "fifth."

Amend line 25 by striking out the word "eighth" and insert in lieu thereof the word "seventh."

Amend in line 29, page 1, by striking out the word "twelfth" and insert in lieu thereof the word "eleventh."

Amend by striking out lines 1, 2 and 3, page 2, and insert in lieu thereof the following: "In the county of Coryell on the third Mondays in January and July, and may continue in session four weeks."

Amend section 8 of the bill by inserting after the word "fact," in line 1, "that the time;"

And in line 2, after the word "district," "is hereby changed;"

And line 4, by inserting after the word "effect," "if it should take effect from and after its passage;"

And by inserting after the word "succession," in line 6, "which will probably have to be done if this act does not take effect until ninety days after the adjournment of this Legislature;"

And in the last two lines, by striking out the words "from and after its passage," and inserting in lieu thereof the words "on and after the first day of April, A. D. 1889."

The committee amendments were adopted and the bill

Passed to its third reading.

Substitute Senate bill No. 55, a bill to be entitled "An act to provide for the speedy and efficient enforcement of the liens of mechanics, contractors, sub-contractors, builders, laborers and material men," being the special order, was laid before the Senate and read the second time, with a committee substitute.

The committee substitute was adopted.

Senator Glasscock moved to

Amend the caption by inserting thereto the following: "And to repeal all existing laws and parts of laws in conflict with the provisions of this act.

Adopted.

Senator Field moved to

Amend section 8 by adding to said section the following words: "And holders of such liens need not be made parties in suits to foreclose lien herein provided for."

Adopted.

Senator Seale moved to consider the bill by sections.

Adopted.

Senator Jarvis moved to

Amend by striking out in line 18, section 8, the words "necessarily connected therewith" and insert the words "the lot or lots on which said building or buildings are situated."

Adopted.

Senator Field moved to

Amend section 3 by striking out in line 6 the following words: "or any part thereof."

Adopted.

Senator Simkins moved to strike out after "improvement," in line 4, down to word "may," in line 9, and insert: "By giving written notice to the owner of such house, building or improvement, or his agent or representative, of each and every item as it is furnished, and by showing how much is there due and unpaid on each bill of lumber furnished by said lumber man under said contract."

Senator Simkins spoke in favor of his amendment.

Senators Burges, Seale and Field opposed it.

The amendment was adopted by the following vote.

YEAS—15.

Abercrombie,	Jarvis,
Allen,	Maetze,
Armistead,	Pope,
Burney,	Simkins,
Cranford,	Tyler,
Frank,	Upshaw.
Harrison,	Woodward.
Ingram,	

NAYS—8.

Burges,	Johnson,
Claiborne,	Kimbrough,
Field,	Seale,
Glasscock,	Stephens.

ABSENT—2.

Lane,	Townsend.
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Senator Jarvis moved to
Amend line 9, on page 2, section 3,
by striking out the words "four
months" and inserting "ninety days."

Adopted.

(Senator Claiborne in the chair.)

Senator Tyler moved to

Amend section 3 by inserting in line
11, after the word "act," the words:
"As to the material furnished at the
time or subsequent to the giving of
the written notice above provided
for."

Adopted.

Senator Stephens moved to

Amend section 4, line 8, by insert-
ing between the words "from and
will" the words "may be used and."

Adopted.

(The President in the chair.)

Senator Simkins moved to insert
after letters "C. D.," in line 19, and
that due notice was given by affiant of
the labor performed or material fur-
nished in accordance with section 3.

Adopted.

Senator Simkins moved to

Amend by adding after the word
"affiant" in line 14 of section 5, "and
that he give written notice to the
owner of each item thereof as the same
was furnished."

Adopted by the following vote:

YEAS—20.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—3.

Burges,	Kimbrough.
Field,	

ABSENT—2.

Lane,	Townsend.
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Senator Stephens moved to
Amend section 11, line 12, by ad-
ding after the word "situated" the
words "in a well bound book to be
kept for that purpose."

Adopted.

Senator Simkins moved to insert
after "builder," in line 17, article 13,
substitute Senate bill No. 13:

"Provided further, a copy of each
bill of lumber furnished to the con-
tractor or builder, as the same is fur-
nished, shall be delivered to the
owner of said homestead or his agent,
said bill specifying each item so fur-
nished, how much is paid thereon and
what is due for lumber furnished
under said contract prior thereto."

Adopted.

Senator Glasscock moved to "pro-
vided when the debt is paid under the
contract for such building or improve-
ments the party for whose interest the
contract was recorded shall enter a re-
linquishment showing a full compli-
ance of said contract."

Adopted.

Senator Jarvis moved to

Amend by adding at the end of line
5, on page 7, at bottom of page, "un-
less there is an agreement to pay for
such material at a specified time."

Adopted.

Senator Stephens moved to

Amend section 17, line 2, by striking
out the word "twelve" and insert in
lieu thereof the word "six."

Lost.

Senator Field moved to

Amend by striking out section 17.

Lost.

Senator Glasscock moved to

Amend by adding section 18: "All
parties who are authorized under this
act to file a lien, and have done so, and
had such lien recorded, shall, when
such lien is paid or satisfied, or have
received their proper lienable parts for
which the owner of the building parts would
be liable under this act, shall record a
relinquishment and satisfaction of
such lien."

Adopted.

On motion of Senator Burney, the
further reading of the bill was dis-
pensd with.

On motion of Senator Tyler, the
vote adopting Senator Simkins'

amendment to section 5, line 14, was reconsidered.

Senator Tyler offered the following substitute for the amendment:

SUBSTITUTE.

Amend section 5 by inserting after the words "C. D." in line 22, these words in parenthesis: "(And in case of material furnished, the affiant shall further swear that he has given to the owner, his agent, or representative, notice in writing of each item of said account as the same was furnished to said C. D.)"

The substitute was adopted,

And the bill as amended was ordered engrossed.

On motion of Senator Armistead, Senator Lane was excused for to-day, on account of important business.

On motion of Senator Jarvis, Senator Townsend was excused for to-day.

By leave

Senator Pope sent up a bill:

A bill to be entitled "An act to amend article 423 of chapter 5, title 13, of the Penal Code as amended by the General Laws of the Seventeenth Legislature."

[This bill seeks to make it unlawful for any person to have in his possession any fish net, sein or other contrivance for the purpose of catching fish at or on or upon the banks of any stream, lake or pool of water at the time the same are forbidden to be used by this article, and increases the punishment for the violation of this act to not less than fifty dollars nor more than one hundred dollars.]

Referred to Judiciary Committee No. 2.

Senator Seale sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared Senate bill 107, being "An act to be entitled an act to amend section 37 of an act entitled an act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,

approved April 9, 1883, to create the Forty-fifth judicial district of the State of Texas, fix the time for holding court therein, and fixing time for holding court in the Thirty-seventh judicial district, and to provide for the appointment of a district judge for said Forty-fifth judicial district, and to provide for the venue of cases in said courts, and to regulate the transfer thereof from one of said courts to the other,"

And find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his signature.

SEALE,
Acting Chairman.

By leave

Senator Abercrombie sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 206, entitled "An act to protect the buffalo, deer and antelope in this State from wanton destruction,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

This bill seeks to protect buffalo, deer and antelope from wanton destruction for a period of five years, and punishes those who kill such animals for their hides only by fine of not less than \$10 nor more than \$100, and punishes as above those who kill such animals for marketing, but permits the hunting or killing of such animals for home consumption or private use.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

On motion of Senator Burney, Senate bill No. 191, a bill to be entitled "An act to define, fix and establish the boundary lines of Brewster and Jeff Davis counties,"

Was laid before the Senate and
Read the third time.

Senator Burney offered the following amendments:

AMENDMENTS.

First. Amend caption of bill by adding the following thereto:

"And to divide the territory of Foley county between the counties of Brewster and Presidio."

Second. Amend line 19, section 1, by striking out the figures "55" and "1-2 75" and insert therefor respectively "54" and "1-2 74."

And strike out the words "southeast" in line 20, section 1, and insert therefor the words "northeast."

The amendment to the caption was adopted by the following vote:

YEAS—23.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

The second amendment was adopted by the following vote:

YEAS—23.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

The bill passed by the following vote:

YEAS—23.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

On motion of Senator Armistead,
The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, February 6, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burges,
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Tyler,
The Secretary, C. M. Boynton, was excused for to-day, on account of sickness.

On motion of Senator Frank,
Senators Field and Glasscock were excused until Friday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Ingram:

A petition from the citizens of San Augustine county, asking a pension for Ransom Sowell.

Referred to Committee on State Affairs.

Petition from the citizens of Knox county, asking passage of an act validating land board sales.

Referred to the Committee on Public Lands.

By Senator Harrison:

Memorial from business men of Waco, protesting against the passage of certain bills.

Referred to Committee on State Affairs.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am instructed to inform the Senate that the House has passed

House bill No. 439, a bill to be entitled "An act to authorize the Governor to extend further time to the Capitol Furnishing Board, Expert and Engineer provided for by an act of the spec-